

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

**Wachovia Securities, LLC, a Delaware
Corporation and successor in Interest
to A.G. Edwards & Sons, Inc.**

v.

Case No. 08-cv-251-PB

**Richard T. Iannacone, Gregory Hood,
Jeremy W. Y. Hall, Thomas F. Lynch,
Sean Lynch, Paul A. LaGreca, and
James A. MacDonald, Individuals**

TEMPORARY RESTRAINING ORDER

Upon consideration of the Complaint of plaintiff Wachovia Securities, LLC (“Wachovia”), the Motion for a Temporary Restraining Order and Preliminary Injunction, the Affidavit of Eric B. Gould, sworn to on June 24, 2008, and the Declaration of Anthony Paduano, sworn to on June 24, 2008, and having heard and considered the arguments of counsel for the parties on June 25, 2008, the Court finds:

Based on the limited record now before it, for the reasons stated on the record, the Court at this time concludes that the following restraints should be in place to preserve the status quo until Monday, June 30, 2008, when the Court can consider evidence and argument to be submitted by defendants and conduct a further hearing.

Accordingly, it is ORDERED that:

1. Defendants and all those acting in concert with them, are temporarily enjoined and restrained, except as provided in paragraph 3, from actively soliciting with any client of Wachovia's whom defendants served or whose name became known to defendants while in the employ of Wachovia, including but not limited to communicating with such clients for the purpose of advising them of defendants' new affiliation with RBC or for the purpose of inviting, encouraging, or requesting the transfer of any accounts from Wachovia.

2. Defendants, and all those acting in concert with them, are further ordered, to return to Wachovia (through its counsel of record herein and not later than 5:00 p.m. on June 26, 2008) all records, documents and/or information in whatever form (whether original, copied, computerized or handwritten), pertaining to Wachovia's customers that defendants retained with them when they resigned from Wachovia. Defendants' counsel may retain one Bates-stamped copy of such information solely for litigation purposes and shall maintain and safeguard such until further order of the Court.

3. Notwithstanding paragraphs 1 and 2 above, defendants are not enjoined or restrained from:

- (a) initiating contact with customers who prior to June 26, 2008 had already agreed to move their accounts to RBC;

- (b) responding to contact initiated by customers including those customers that defendants solicited prior to June 26, 2008 and including to assist any such customers who wish to transfer accounts; and
- (c) soliciting customers they did not serve at Wachovia.

4. This Temporary Restraining Order is binding upon defendants, their agents, servants, employer, any entity with which they are employed or affiliated, and those in active concert or participation with them who receive actual notice of this Order.

5. Wachovia shall post security in the amount of \$50,000 no later than June 26, 2008.

6. Wachovia shall file under seal with the Clerk of the Court the Wachovia Customer List that sets forth the names of the customers serviced by defendants at the time they terminated their employment with Wachovia. A copy of the Wachovia Customer List shall be delivered to counsel for defendants, who shall personally maintain and safeguard the list pursuant to the further order of this Court, and use it solely for litigation purposes.

7. This Order shall remain in full force and effect until June 30, 2008, or until further order of the Court.

8. This matter is continued for further hearing on June 30, 2008, at 9:00 a.m. Defendants' opposition papers, if any, and any additional submissions by plaintiff shall be filed and served no later than June 29, 2008 at 5:00 p.m. This Order supersedes the Court's oral order

of June 25, 2008 and becomes effective immediately upon entry.

SO ORDERED.

/s/Paul Barbadoro

Paul Barbadoro
United States District Judge

June 26, 2008

cc: Counsel of Record